THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.7099 of 2006

Dated:13.04.2006

Between:

G.Chandrasekhara Reddy.

..... PETITIONERS

AND

The Revenue Divisional Officer, Madanapalle, Chittoor District, and others.

.....RESPONDENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.7099 of 2006

ORDER:

The petitioner is aggrieved by the action of the first respondent in entertaining the appeal filed by the third respondent against the action of the second respondent in entering the name of the petitioner in the record of rights in respect of the land in

Survey No.549 (admeasuring Ac.0.20 cents) and Survey No.550 (admeasuring Ac.0.83 cents) situated at Piler Village. The cause of action filed in the Writ Petition is a notice dated 26.03.2005 issued by the first respondent requiring the petitioner and the third respondent to appear for the enquiry either personally or through duly instructed Counsel. The petitioner seeks a declaration that the action of the first respondent in entertaining the appeal preferred by the third respondent is illegal and arbitrary.

After hearing the learned Counsel for the petitioner, the learned Counsel for the third respondent and the learned Assistant Government Pleader for Revenue (General), this Court is not inclined to interfere at this stage though number of submissions are made in support of the writ petition. The learned Counsel for the petitioner submits that the appeal filed by the third respondent is barred by limitation, and that there are two partition suits for the same land pending, and therefore, a recording authority or an appellate authority cannot interfere in the matter. He also submits that though the petitioner raised all the objections there is an apprehension that they may not be considered by the first respondent. Such a submission cannot be accepted. However, having regard to the allegation that the petitioner as a Village Administrative Officer has tampered with the record of rights and entered his name, this Court is of the considered opinion that the first respondent should decide the following issues while considering the appeal of the third respondent.

1. Whether the appeal/petition submitted by the third respondent, Sri G.V.Sreenatha Reddy, is barred by limitation?

2. Whether the petitioner has tampered with the record of rights by misusing his official position as Village Administrative Officer?

3. Whether the entries in the record of rights made in favour of the petitioner in respect of the land comprised in Survey Nos.549 and 550 are liable to be corrected?

It shall also be open to the first respondent to decide the other issues, which may be raised by the petitioner as well as the third respondent. Learned Assistant Government Pleader submits that the matter stands posted to 22.04.2006. As the notice is already served and the matter is kept pending for the last one year, the first respondent is directed to dispose of the matter within a period of one month from the date of receipt of a copy of this order.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

13.04.2006

vs